

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE BRANDING GROUP, LLC

Plaintiff,

- against -

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/25/08

06 Civ. 13209 (DAB)

ORDER

FABRIKANT-LEER INTERNATIONAL, LTD.

Defendant.

-----X
DEBORAH A. BATTS, United States District Judge.

The Court's records indicate that the Complaint in this action was filed on November 15, 2006, and that Summons Issued on or before that date. To date, Defendants have neither filed an Answer nor responded to Plaintiff's Complaint in any other way.

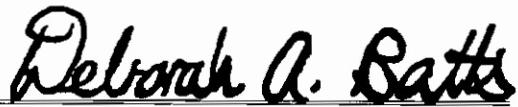
On December 8, 2006 the Court received correspondence from Plaintiff that "[o]n December 1, 2006 [Plaintiff] received notice that Fab-Leer filed bankruptcy in the U.S. Bankruptcy Court for the Southern District of New York, Case No. 06-12739(SMB), and that pursuant to 11 U.S.C. §362(a) and the November 27, 2006 order of the Honorable Stuart M. Bernstein...we are restrained from continuing TBG's lawsuit against Fab-Leer." (Letter of David G. Tobias, Dec. 7, 2006, pg.1.) On October 18, 2007 the Court received additional confirmation from Plaintiff that the case remains in bankruptcy and the stay remains in place. (Letter of David G. Tobias, Oct. 17, 2007, pg.1.)

Pursuant to Rule 20 of the Rules for the Division of Business among District Judges of the Southern District of New York which provides that "[a] civil case which, for reasons beyond the control of the court, can neither be tried nor otherwise terminated shall be transferred to the suspense docket", IT IS HEREBY ORDERED THAT the Clerk of Court shall transfer this case to the suspense docket until and unless the Court grants a request by the parties to reassign the case to this Court.

Furthermore, should the status of representation of either party change at any time, while on the suspense calendar or not, the Court and all counsel shall be notified immediately.

SO ORDERED.

Dated: New York, New York
 February 25, 2008



Deborah A. Batts
United States District Judge